



Atty. Dkt. 4002-2533

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)) Examiner	I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the		
Branch et al.)	Assistant Commissioner for Patents, Washington D.C. 20231 on September 25, 2001.		
Serial No. 09/870,023) Group Art Unit	James B. Myers, Jr. Plame of Registered Representative		
Filed 5/30/01) 3/31	Comes B. Myers (f		
INTERBODY FUSION GRAFTS AND INSTRUMENTATION) September 25, 2001	September 25 2001 Date of Signature		

SUBMISSION OF MISSING PARTS OF APPLICATION UNDER 37 CFR 1.53(b)

Hon. Commissioner for Patents BOX MISSING PARTS Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts dated June 14, 2001, please consider the following. Pursuant to the Notice to File Missing Parts of Application received for the above application, Applicants submit herewith a signed Declaration and Power of Attorney for Charles L. Branch.

A Request for an Extension of Time is submitted concurrent with this Response.

Additionally, please charge any fees which may be due or credit any overpayment to Deposit Account No. 23-3030, but not to include payment of any issue fees that are or become due

Respectfully submitted,

Du: (/page)

James B Myers Jr., Reg. No. 42,02

Woodard, Emhardt, Naughton

Moriarty & McNett

Bank One Center/Tower

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United States Patent and Trademark Office

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
			

09/870,023

05/30/2001

Charles L. Branch

4002-2533

CONFIRMATION NO. 9301

FORMALITIES LETTER

James B. Myers Jr.
Woodard, Emhardt, Naughton, Moriarty & McNett Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137

Date Mailed: 06/14/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

WENMM/SB/17 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

P FEE TRANSMITTAL AF		Complete if Known						
Filling 1 2001 Filling		pplication Number				09/870,023		
		ing Date			May 30, 2001			
			d Inventor			Branch et al.		
		up Art I			3731			
		aminer Name			Unknown			
TOTAL (\$) 280.00	Atto	orney Docket Number 4002-2533						
METHOD OF PAYMENT					FEE CA	LCULATION (continued)		
The Commissioner is hereby authorized to charge indicat fees and credit any over payments to:	ed	3. ADE	DITIONAL F	EES				
Deposit Account Number 23-3030		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	
Deposit Woodard, Emhardt, Naughton, Moriarty &		105	130	205	65	Surcharge - late filing fee or oath		
Account Name McNett		127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		
Charge any Additional Fee Required - Under 37 CFR 1.16 and 1.17		139	130	139	130	Non-English specification		
		147	2,520	147	2,520	For filing a request for ex parte reexamination		
Applicant claims small entity status. See 37 CFR 1.27.		112	920*	112	920*	Requesting publication of SIR prior to Examiner		
		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		
2. Payment Enclosed:		115	110	215	55	Extension for reply within first month		
Check Credit Card Money Order	Other	116	390	216	195	Extension for reply within second month	\$280.00	
FEE CALCULATION		117	890	217	445	Extension for reply within third month		
1. BASIC FILING FEE		118	1,390	218	695	Extension for reply within fourth month		
Large Entity Small Entity Fee		128	1,890	228	945	Extension for reply within fifth month		
Fee Code Fee (\$) Code Fee (\$) Description Fee	Paid	119	310	219	155	Notice of Appeal		
101 710 201 355 Utility Filing Fee		120	310	220	155	Filing a brief in support of an appeal		
106 320 206 160 Design Filing Fee		121	270	221	135	Request for oral hearing		
107 490 207 245 Plant Filing Fee		138	1,510	138	1,510	Petition to institute a public use proceeding		
108 710 208 355 Reissue Filing Fee		140	110	240	55	Petition to revive – unavoidable		
114 150 214 75 Provisional Filing Fee		141	1,240	241	620	Petition to revive – unintentional		
SUBTOTAL (1) (\$)		142	1,240	242	620	Utility issue fee (or reissue)		
2. EXTRA CLAIM FEES		· 143	440	243	220	Design issue fee		
Extra Fee From Below Fee Claims	Paid	144	600	244	300	Plant issue fee		
Total Claims -20** = X =		122	130	122	130	Petitions to the Commissioner		
independent -3** = X =		123	50	123	50	Petitions related to provisional applications		
Claims		126	180	126	180	Submission of Information Disclosure Stmt		
						Recording each patent assignment per		
Large Entity Small Entity Fee Description Fee Fee Fee Fee	0	581 146	40 710	581 246	40 355	property (times number of properties) Filing a submission after final rejection (37		
Code (\$)				249	355	CFR 1.129(a)) For each additional invention to be examined		
103 18 203 9 Claims in excess of 20		149	710	2.0	555	(37 CFR 1.129(b))		
102 80 202 40 Independent claims in excess of	of 3	179	710	279	355	Request for Continued Examination (RCE)		
104 270 204 135 Multiple dependent claim, if not paid		169	900	169	900	Request for expedited examination of a design application		
109 80 209 40 "Reissue independent claims over original patent								
110 18 210 9 "Reissue claims in excess of 20 and over original patent		Other Fee (specify)						
SUBTOTAL (2) (\$) "or number previously paid, if greater; For Reissues, see above		*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 280.00						
SUBMITTED BY						Complete (if applicable)		
Name (Print/Type) James B. Myers, Jr.		/	Registration		42,021	Telephone (317) 634-3456	5	
Signature Jamus B. Myous J. Date September 25, 2001							2001	